

Serial No.: 09/834,625  
Docket No.: NU-01005  
JTL.005

**REMARKS**

Claims 2-3 remain pending in this application and have been amended to more particularly define the invention.

Claims 2 and 3 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, with the contention that having the trader file an application for a patent is not possible because only an inventor can file for a patent, and that a trader could be an assignee for an application, but not a filer. This contention, and the rejection based on it, are traversed.

Under present United States law, a patent application is filed by the inventor(s). However, in many foreign countries, an assignee can file a patent application. By way of example, attached is a copy of the Patent Abstracts of Japan publication of Japanese Patent Publication 05-063696, which was originally submitted in the present application with the Information Disclosure Statement of November 28, 2004. That Abstract identifies the applicant of the application as Nippon Telegraph & Telephone Corporation.

Additionally, legislation has been proposed to amend the United States patent statute to allow filing by the assignee. Applicant is entitled to coverage of this.

Even today, while United States patent applications are officially filed by inventors, it is commonly accepted that they, in fact, are filed by corporations which employ the inventors and which are the assignees of the inventors. Attached are copies of the following items which were downloaded from the Web site of the United States Patent and Trademark Office:

(1) Pages 1 and 6 from PTMD Products and Services Brochure, which lists available Patent Technology Monitoring Division reports. On page 6, this shows the availability of an

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Activity Index Report, Corporate Utility Patent Applications.

(2) Pages 44601-44603 from the Federal Register, Vol. 66, No. 165, August 24, 2001. On page 44603, this shows the availability of an Activity Index Report, Corporate Utility Patent Applications, 1999.

(3) Calendar Year 2004 Preliminary List of Top Patenting Organizations, which lists the top twenty non-Federal patenting organizations receiving utility patents in calendar year 2004.

Thus, it is clearly accepted that even under the present United States patent statute, patent applications are filed by corporation, *albeit*, in the name of the inventor.

In view of the above, it is respectfully submitted that this rejection should be withdrawn.

Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wong, U.S. Patent No. 6,115,690, in view of United States Code Title 35 – Patents. This rejection is respectfully traversed.

At the bottom of its page 2, the Office Action states that “Wong shows all of the limitations of the claims except for specifying filing an application presenting a purchase offer”. What is meant by “filing an application presenting a purchase offer” is unclear, and this is understood to have been intended to read “filing an application and presenting a purchase offer”. Thus, the Office Action recognizes these two distinctions of the claimed invention over Wong. If this is not correct, clarification is requested.

The Amendment filed July 5, 2005 argues that Wong discloses that sellers who want to sell goods must initiate action and must find buyers, whereas in the claimed invention a

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trader undertakes this, freeing sellers, who might not know how to find a buyer, from the need to do so, and freeing buyers, who might not know how to locate intellectual property or industrial property that they wish to buy, from the need to do so. The October 7, 2005 Office Action contends that buyers and sellers are traders, and that the broad term "trader" can be interpreted as a buyer or a seller. It is respectfully submitted that a reading of the full text of either claim 2 or claim 3 shows this not to be the case.

Each of claim 2 and claim 3 recites three entities -- a seller, a buyer, and a trader. It is clear from each claim that the trader is not the seller or the buyer. Thus, for example, claim 2 states that the trader's terminal unit is actuated to accept a sale offer which is received from a seller. Thus, the trader is not the seller. Otherwise, the trader would be dealing with himself. Claim 2 additionally states that the trader's terminal unit is actuated to present a sale offer to a buyer and to accept a purchase offer which is received from the buyer. Thus, the trader is not the buyer. Otherwise, again, the trader would be dealing with himself. Clearly, the trader is not the seller and is not the buyer.

Nevertheless, to make this even more clear, claims 2 and 3 have been amended to state that the trader is a third-party trader.

Thus, this basis for rejecting the claims should be withdrawn.

The Office Action contends that a firewall insures licit sellers. This contention, and so much of the rejection as is based on it, are traversed. The Microsoft Press Computer Dictionary, Third Edition (1997) defines "firewall" as:

"A security system intended to protect an organization's network against external threats, such as hackers, coming from another network, such as the Internet. A firewall prevents computers in the organization's network from communicating directly with computers external to the network and vice

versa. Instead all communication is routed through a proxy server outside of the organization's network, and the proxy server decides whether it is safe to let a particular message or file pass through to the organization's network."

A copy of this definition is attached.

Determining whether a seller is licit involves determining whether the seller has good title to the intellectual property or industrial property he is offering to sell or is otherwise authorized to make the sale. This has nothing to do with external threats to an organization's network. Thus, this basis for rejecting the claims should be withdrawn.

The Office Action contends that Wong discloses a "seller-side system" and that it would have been obvious to expand this to buyer-side procurement. The Office Action recognizes that Wong does not present a purchase offer, but contends that "buyer-side procurement" is discussed in the background of the Wong patent and is compatible with the Wong system. Assuming, arguendo, that these contentions are correct, still, that does not provide a basis for rejecting the claims.

In accordance with the present invention, neither the seller nor the buyer is required to initiate the transaction. The trader relieves both the seller and the buyer of this. Thus, the claimed invention eliminates the need for both a seller side system and buyer-side procurement.

Many an owner of intellectual property or industrial property would like to sell it, but has no knowledge of how to find a buyer. Likewise, many potential buyers of intellectual property or industrial property have no knowledge of how to locate such property that is available for purchase. In accordance with the claimed invention, the trader, who may be experienced at locating available intellectual property and industrial property, as well as

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sellers and buyers, and so knows how to do these in an efficient manner, does them, relieving the buyer and the seller of the need to do so. This is neither shown nor suggested by Wong. Thus, this basis for rejecting the claims should be withdrawn.

The Office Action contends that based on the teaching of United States Code Title 35 –Patents, it would have been obvious to expand Wong to file for a patent. This contention, and so much of the rejection as is based on it, are traversed. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP §2143.01. There is nothing to suggest that Wong and Title 35 of the United States Code be combined. Thus, the rejection does not meet the requirements of the MPEP.

In view of the foregoing, Applicant submits that claims 2-3, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

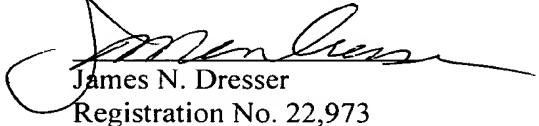
To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including

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extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account  
No. 50-0481.

Date: January 9, 2006

Respectfully Submitted,



James N. Dresser

Registration No. 22,973

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**



# PATENT ABSTRACTS OF JAPAN

(11)Publication number : 05-063696  
 (43)Date of publication of application : 12.03.1993

(51)Int.CI. H04L 9/00  
 H04L 9/10  
 H04L 9/12  
 G06F 13/00  
 H04L 12/54  
 H04L 12/58  
 H04M 3/42

(21)Application number : 03-248320

(71)Applicant : NIPPON TELEGR & TELEPH CORP  
 <NTT>

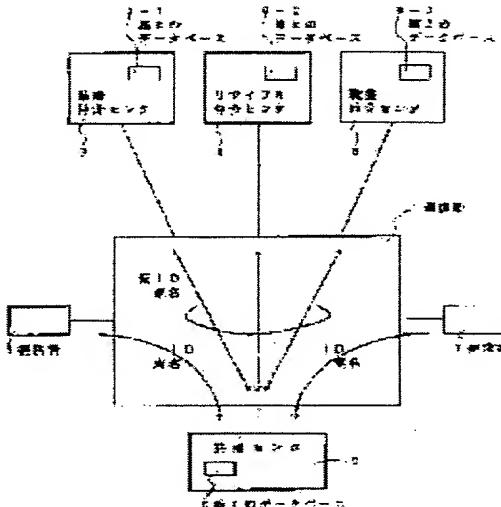
(22)Date of filing : 02.09.1991

(72)Inventor : OCHI HIROSHI  
 ISHIKAWA KAZUNORI  
 KOIKE HIDEYUKI  
 SUZUKI HAJIME

## (54) INTERMEDIATE COMMUNICATION SYSTEM

### (57)Abstract:

PURPOSE: To allow an enterprise to easily offer an intermediate service in which no person takes part in the content of a database and the personal secrecy is secured.  
 CONSTITUTION: The system consists of a common center 1 processing common information to plural kinds of intermediate enterprises, intermediate system individual centers 3-5 processing information of each individual intermediate enterprise, and a communication network 2 implementing communication between the common center and the intermediate system individual centers. The information of a same customer is stored dividedly in a 1st database 8 of the common center and 2nd databases 9-1-9-3 of the individual centers and the information of a request party and the information of the offer party are collated based on the content of the 2nd database and when the conditions of the both are coincident, the request party and the offer party are inter-communicated based on the content of the 1st database.



### LEGAL STATUS

[Date of request for examination]

[Date of sending the examiner's decision of rejection]

[Kind of final disposal of application other than



U.S. PATENT AND TRADEMARK OFFICE  
Office of Electronic Information Products  
Patent Technology Monitoring Division (PTMD)

## PTMD Products and Services Brochure

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    - Activity Index Report, Utility Patent Applications
    - Activity Index Report, Corporate Utility Patent Applications
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## Other Selected Reports

### Activity Index Report

Updated yearly, this report profiles U.S. utility patents originating from selected countries (patent origin is determined by the residence of the first-named inventor). For each of these selected countries, the report identifies U.S. Patent Classification System classes receiving relatively greater and lesser patenting emphasis. Selected countries profiled in this report include the United States, Brazil, Canada, France, Germany, Great Britain, Italy, Japan, Mexico, the Netherlands, South Korea, Switzerland, Sweden, and Taiwan.

#### Activity Index Report, Corporate Patenting

This report is similar to the "Activity Index Report," as described above, but it profiles only activity in utility patents having ownership assigned to a U.S. or foreign corporation at the time of grant.

#### Activity Index Report, Utility Patent Applications

Updated yearly, this report profiles U.S. utility patent applications originating from selected countries as determined by the residence of the first-named inventor. For each country, the report identifies U.S. Patent Classification System classes receiving relatively greater and lesser patenting emphasis based on filing data. The countries profiled in this report are Brazil, Canada, France, Germany, Great Britain, Italy, Japan, Mexico, the Netherlands, South Korea, Sweden, Switzerland, Taiwan, and the United States.

#### Activity Index Report, Corporate Utility Patent Applications

This report is similar to the "Country Activity Index Report, Utility Patent Applications," as described above, but it profiles only activity in utility patent applications having ownership assigned to a large entity U.S. or foreign organization at time of application. Large entity organizations generally are for-profit organizations employing more than 500 employees.

#### Patenting Trends in the United States

Updated yearly, this report profiles U.S. patenting in 55 product fields (41 unique fields, and several fields that are roll-ups of the 41 unique fields) that are based on the Standard Industrial Classification (SIC) System. For each product field, the report lists patent counts in the same format as Parts A1 and A2 of the PTMD "All Technologies Report." The report consists of two parts, a "fractional count" part and a "whole count" part, which count patents according to different methods.

#### Patenting Trends in the United States, State Country Report

This report is similar to the report, "Patenting Trends In The United States," but it provides separate totals for U.S. states and for all foreign countries receiving U.S. patents during the period. This report also provides "fractional" and "whole" patent counts. It omits information pertaining to patent ownership and does not include patents as distributed by their year of application. The report includes annual patent counts for each of the most recent 21 years.

651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

*Docket Number: 01-001R. Applicant: St. Louis Science Center, St. Louis, MO 63110. Instrument: Universal Planetarium, Universarium Model IX. Manufacturer: Carl Zeiss, Germany. Intended Use: See notice at 66 FR 34154, June 27, 2001.*

**Comments:** None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. **Reasons:** The foreign instrument provides: (1) A unique fiber-optic system for projecting stars with high brightness, (2) ability to project the night sky in an environment with ambient lighting and (3) naturally appearing star scintillation. The National Air and Space Museum advised July 20, 2001 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

**Gerald A. Zerdy,**  
Program Manager, Statutory Import Programs Staff.  
[FR Doc. 01-21471 Filed 8-23-01; 8:45 am]  
BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Visiting Committee on Advanced Technology; Meeting

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Visiting Committee on Advanced Technology, National Institute of Standards and Technology (NIST), will meet Tuesday, September 11, 2001 from 8:25 a.m. to 5:30 p.m. and Wednesday, September 12, 2001 from 8:00 a.m. to 12:00 p.m. The Visiting Committee on

Advanced Technology is composed of thirteen members appointed by the Director of NIST; who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on NIST programs; a cross-cut review of Healthcare; an overview of the NIST Industrial Liaison Office and Knowledge Net; a tour of the Boulder Facilities; a presentation on RF Emission Standards; and a Report from the Chair of the Board on Assessment. Discussions scheduled to begin at 5:00 p.m. and to end at 5:30 p.m. on September 11, 2001 and to begin at 8:00 a.m. and to end at 12:00 p.m. on September 12, 2001, on staffing of management positions at NIST, the NIST budget, including funding levels of the Advanced Technology Program and the Manufacturing Extension Partnership, and feedback sessions will be closed.

**DATES:** The meeting will convene September 11, 2001 at 8:25 a.m. and will adjourn at 12:00 p.m. on September 12, 2001.

**ADDRESSES:** The meeting will be held in the Radio Building, Room 1107 (seating capacity 60, includes 35 participants), National Institute of Standards and Technology, Boulder, Colorado.

**FOR FURTHER INFORMATION CONTACT:** Janet R. Russell, Administrative Coordinator, Visiting Committee on Advanced Technology, National Institute of Standards and Technology, Gaithersburg, MD 20899-1004, telephone number 301-975-2107, email: janet.russell@nist.gov.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 12, 2001, that portions of the meeting of the Visiting Committee on Advanced Technology which involve discussion of proposed funding of the Advanced Technology Program and the Manufacturing Extension Partnership Program may be closed in accordance with 5 U.S.C. 552b(c)(9)(B), because those portions of the meetings will divulge matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency actions; and that portions of meetings which involve

discussion of the staffing issues of management and other positions at NIST may be closed in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in those portions of the meetings is likely to reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Dated: August 13, 2001.

**Karen H. Brown,**

*Acting Director.*

[FR Doc. 01-21363 Filed 8-23-01; 8:45 am]

BILLING CODE 3510-13-M

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No. 010726192-1192-01]

RIN 0651-AB39

**Notice of Electronic Products Available From the Information Products Division, Chief Information Officer, U.S. Patent and Trademark Office**

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice.

**SUMMARY:** The USPTO publishes a list of the electronic patent and trademark information products currently available from the Information Products Division, Office of the Chief Information Officer, U.S. Patent and Trademark Office. The products are made available in order to disseminate information on patents and trademarks to the public.

**ADDRESSES:** The products listed below can be ordered by contacting the Information Products Division, U.S. Patent and Trademark Office, Crystal Park 3, Suite 441, Washington, DC 20231. The 2001 USPTO Products and Services Catalog is available on the USPTO Web site at: <http://www.uspto.gov/web/offices/ac/ido/oeip/catalog/index.html>. The site provides more in-depth information about the individual products.

**FOR FURTHER INFORMATION CONTACT:** Information Products Division at 703-306-2600.

**SUPPLEMENTARY INFORMATION:** A list of the electronic patent and trademark information products currently available is given below. Included with the product title is the medium and price.

Product	Media	Price
<b>Cassis Series of Optical Disc Products—Electronic Products Branch</b>		
Cassis Sampler .....	CD-ROM .....	Free
Patents and Trademarks ASSIGN .....	DVD-ROM .....	\$300/yr
Patents ASSIST .....	DVD-ROM .....	\$200/yr
Patents BIB .....	DVD-ROM .....	\$300/yr
Patents CLASS .....	DVD-ROM .....	\$300/yr
Trademarks ASSIST .....	DVD-ROM .....	\$50
Trademarks BIB .....	DVD-ROM .....	\$500/yr
USAApp .....	DVD-ROM .....	\$2400/yr
USAmark .....	CD-ROM .....	\$200/yr
USAMark Back File .....	CD-ROM .....	\$1180
USApat .....	DVD-ROM .....	\$2400/yr
USApat Back File .....	DVD-ROM .....	\$20,000

**Patent and Trademark Data—Data Dissemination Branch**

Patent Bibliographic Data/SGML (Text Only) .....	Online (FTP) .....	Free
Patent Bibliographic/APS (Retrospective) .....	4 MM .....	\$1500/yr
Patent Full-Text/APS (Retrospective) .....	DLT Cartridge .....	\$28200/yr
Patent Grant Data/SGML (Text Only) .....	Online (FTP) .....	\$8800/yr
Patent Grant Data/SGML (Text Only) .....	DLT Cartridge .....	\$13300/yr
Patent Grant Data/SGML .....	DLT Cartridge .....	\$25150/yr
Patent Application Data/XML (Text Only) .....	Online (FTP) .....	\$7140/for 2001
Patent Application Data/XML (Text Only) .....	DLT Cartridge .....	\$10752/for 2001
Patent Application Data/XML .....	DLT Cartridge .....	\$20328/for 2001
Patent Image .....	3480 Cartridge Tape .....	\$16550/yr
Patent Image .....	DLT Cartridge .....	\$12400/yr
Patent Image/TIFF .....	DLT Cartridge .....	\$12400/yr
Patent Image (Retrospective) .....	3480 Cartridge Tape .....	\$373000
Patent Image/TIFF (Retrospective) .....	DLT Cartridge .....	\$215350
Master Classification File (Patent Sequence) .....	Online (FTP) .....	\$930/yr
Master Classification File (Patent Sequence) .....	DLT Cartridge .....	\$1260/yr
Master Classification File (Class Sequence) .....	Online (FTP) .....	\$930/yr
Master Classification File (Class Sequence) .....	DLT Cartridge .....	\$1260/yr
Index to U.S. Patent Class .....	Online (FTP) .....	\$312/yr
Index to U.S. Patent Class .....	DLT Cartridge .....	\$312/yr
Manual of Classification .....	Online (FTP) .....	\$312/yr
Manual of Classification .....	DLT Cartridge .....	\$312/yr
Patent Assignment .....	DLT Cartridge .....	\$1190/yr
Trademark Annual ASSIGN .....	Online (FTP) .....	\$310/yr
Trademark Annual ASSIGN .....	DLT Cartridge .....	\$415/yr
Trademark Annual DEAD .....	Online (FTP) .....	\$1090/yr
Trademark Annual DEAD .....	DLT Cartridge .....	\$1350/yr
Trademark Annual LIVE .....	Online (FTP) .....	\$1190/yr
Trademark Annual LIVE .....	DLT Cartridge .....	\$1450/yr
Trademark Annual TTAB .....	Online (FTP) .....	\$210/yr
Trademark Annual TTAB .....	DLT Cartridge .....	\$260/yr
Trademark Monthly Status .....	Online (FTP) .....	\$624/yr
Trademark Monthly Status .....	DLT Cartridge .....	\$1860/yr
Trademark Image Cropped Registrations .....	3480 Cartridge Tape .....	\$12950/yr
Trademark Image Cropped Registrations .....	DLT Cartridge .....	\$6530/yr
Trademark Image Cropped Registrations (Retro) .....	3480 Cartridge Tape .....	\$620/yr
Trademark Image Cropped Registrations (Retro) .....	DLT Cartridge .....	\$985/yr
Trademark Image Cropped Applications .....	3480 Cartridge Tape .....	\$6475/yr
Trademark Image Cropped Applications .....	DLT Cartridge .....	\$4715/yr
Trademark Image Cropped Applications (Retro) .....	3480 Cartridge Tape .....	\$620/yr
Trademark Image Cropped Applications (Retro) .....	DLT Cartridge .....	\$985/yr
Trademark Weekly Text .....	Online (FTP) .....	\$2950/yr
Trademark Weekly Text .....	DLT Cartridge .....	\$6370/yr
Trademark Application 24 Hour Box .....	Online (FTP) .....	\$13000/yr

**Patent and Trademark Statistical Reports—Technology Assessment and Forecast Branch**

Patenting Trends in the United States, 1999 .....	Paper .....	\$50
Patenting Trends in the United States, 1999 .....	CD-ROM .....	\$25
Patenting Trends in the United States, 1999—State/ Country Report .....	Paper .....	\$50
Patenting Trends in the United States, 1999—State/ Country Report .....	CD-ROM .....	\$25
U.S. Colleges and Universities—Utility Patent Grants, 1999 .....	Paper .....	\$50
U.S. Colleges and Universities—Utility Patent Grants, 1999 .....	Diskette (2) .....	\$25
Activity Index Report, 1999 .....	Paper .....	\$90
Activity Index Report, 1999 .....	CD-ROM .....	\$25
Activity Index Report, Corporate Patenting 1999 .....	Paper .....	\$90
Activity Index Report, Corporate Patenting 1999 .....	CD-ROM .....	\$25

Product	Media	Price
Activity Index Report, Utility Patent Applications 1999 .....	Paper .....	\$50
Activity Index Report, Utility Patent Applications 1999 .....	CD-ROM .....	\$25
Activity Index Report, Corporate Utility Patent Applications 1999 .....	Paper .....	\$50
Activity Index Report, Corporate Utility Patent Applications 1999 .....	CD-ROM .....	\$25
Buttons To Biotech, U.S. Patenting by Women, 1977 to 1996—updated through 1998.	Paper .....	\$20
Selected Technologies Reports (variable lengths) .....	Paper .....	\$20/report
General Statistical Reports—Issue Dates and Patent Numbers Since 1836.	Paper .....	\$5
General Statistical Reports—Utility Patent Applications by Country of Origin Since 1965.	Paper .....	\$5
General Statistical Reports—Patent Counts by Class by Year Report ..	Paper .....	\$5/report
General Statistical Reports—Utility Patent Counts by State, County, and Metro Area.	Paper .....	\$5
Concordance Between the Standard Industrial Classification System and the U.S. Patent Classification System (1999).	Paper .....	\$80
Concordance Between the Standard Industrial Classification System and the U.S. Patent Classification System (1999).	Diskette (5MB compressed) .....	\$25
Digital Media Having Information Contained in the TAF Database (Prices vary depending on the information wanted. Contact the TAF Branch office for prices and a description of what is available.).	.....	
Inventor Mailing Labels .....	Paper .....	\$50 plus \$.35 per page of paper output
Inventor Mailing Labels .....	Self-stick labels .....	\$50 plus \$.70 per page of label stock output
Inventor Mailing Labels .....	Diskette (uncompressed electronic file output). .....	\$50 plus \$25/diskette
Custom Reports (Prices for custom reports vary according to the size and complexity of the requested report. Generally, report prices will be \$50 per request plus \$10 for every 30 single-sided report pages and \$25 per diskette of uncompressed electronic file output. Custom report availability is subject to the availability of TAF resources.).	.....	
Subclass Listings .....	Paper .....	\$3/requested subclass on paper
Subclass Listings .....	Diskette .....	\$3/requested subclass plus additional \$25

This notice is issued under the authority of 35 U.S.C. 41(d), 35 U.S.C. 41(g) and 15 U.S.C. 1113.

Dated: August 20, 2001.

**Nicholas P. Godici,**

*Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.*

[FIR Doc. 01-21481 Filed 8-23-01; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

**[Docket No. 010723184-118401]**

**RIN 0651-AB30**

### Establishment of a Database Containing the Official Insignia of Federally and State Recognized Native American Tribes

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Procedures for establishment and maintenance of a database of the official insignia of federally and state-recognized Native American tribes.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is announcing the procedures it will follow in creating and maintaining a database of the official insignia of federally and state-recognized Native American tribes. The database, recommended in a report required by the Trademark Law Treaty Implementation Act, will assist examining attorneys in their examinations of applications for registration.

**SUPPLEMENTARY INFORMATION:** The Trademark Law Treaty Implementation Act, Pub. L. 105-330, § 302, 112 Stat. 3071 (1998) required the USPTO to study issues surrounding protection of the official insignia of federally and state-recognized Native American tribes. The study was conducted, and a report was presented to the Chairman of the Committee on the Judiciary of the Senate and to the Chairman of the Committee on the Judiciary of the House of Representatives on November 30, 1999 (hereinafter "the Report").

One of the recommendations set forth in the Report was that the USPTO create and maintain an accurate and comprehensive database of the official insignia of Native American tribes.

On January 9, 2001, the USPTO published a notice in the **Federal Register** describing the proposed procedures for creating and maintaining the database (**Federal Register**, Vol. 66, No. 6), and requesting comments on these procedures.

Two parties submitted responses to the January 9, 2001 **Federal Register** Notice. One party submitted a comment regarding the proposed procedures for creating and maintaining the database, a request that the USPTO extend the time for submitting comments regarding the database, and a suggestion that the USPTO allow third parties to object to particular requests for entries of insignia in the database. Additionally, that party, as well as the other party that submitted a response, objected to the creation of the database.

### Acceptable Form for Insignias

The proposed procedures published in the notice of January 9, 2001, provided that, if an insignia consists solely of a word or words, then the request to enter that insignia in the database should include a depiction of the word or words in uppercase letters.

*Comment:* One comment suggested that the proposed procedures should not

**U.S. PATENT AND TRADEMARK OFFICE**  
 Office of Electronic Information Products  
 Patent Technology Monitoring Division (PTMD)

**CALENDAR YEAR 2004**  
**PRELIMINARY LIST OF TOP PATENTING**  
**ORGANIZATIONS \***

(report dated 7-Jan-2005)

This report presents a preliminary list of the organizations receiving the most patents for invention (i.e., utility patents) during the 2004 calendar year.

For the twelfth consecutive year, *International Business Machines Corporation (IBM)* ranks first among non-Federal patenting organizations. *IBM* received 3,248 utility patents in 2004, slightly below its total of 3,415 patents for 2003. Three of the top five and four of the top seven patenting organizations on the list are U.S. organizations. The top ten list includes four U.S. organizations, five Japanese organizations, and one South Korean organization.

For 2004, U.S. organizations on the list of top ten patenting organizations include *International Business Machines Corporation*, *Hewlett-Packard Development Company, L.P.* (fourth), *Micron Technology, Inc.* (fifth), and *Intel Corporation* (seventh). This year marks the fifth straight year for *Micron Technology, Inc.* and the second straight year for *Intel Corporation* and *Hewlett-Packard Development Company, L.P.* on the top ten list.

*Canon Kabushiki Kaisha* drops from second to third position for the year, with 1,805 patents, while *Matsushita Electric Industrial Co., Ltd.* moves up from fourth to second position with 1,934 patents. *Samsung Electronics Co., Ltd.* jumps from ninth position to sixth on the list while *Hitachi, Ltd.* drops from third to eighth position.

One new organization joins the top ten list for 2004, *Toshiba Corporation*, ranked ninth, while one organization, *Koninklijke Philips Electronics N.V.*, drops off the list.

Among the organizations receiving many patents in 2004, *Renesas Technology Corporation*, ranked fifteenth, is notable as it had received only a small number of patents the previous year. The web site for Renesas states that it was established in 2003 and includes paid in capital from both *Hitachi, Ltd.* and *Mitsubishi Electric Corporation*.

Organizations on the top ten list having the largest increases in the number of annual patent receipts include *Samsung Electronics Co., Ltd.* (up 22 percent from 2003), *Toshiba Corporation* (up 11 percent from 2003), and *Matsushita Electric Industrial Co., Ltd.* (up 9 percent from 2003).

The *U.S. Government* received 829 utility patents for the year, which would rank it nineteenth among the top patenting organizations for 2004.

This table displays a preliminary listing of the top twenty non-Federal patenting organizations receiving utility patents in calendar year 2004. Patent receipts by the *U.S. Government* are also displayed.

Preliminary Rank in 2004 *	Preliminary number of patents in 2004 *	Organization *	(Final Rank in 2003)	(Final number of patents in 2003)
1	3,248	International Business Machines Corporation	(1)	(3,415)
2	1,934	Matsushita Electric Industrial Co., Ltd. (a)	(4)	(1,774)
3	1,805	Canon Kabushiki Kaisha	(2)	(1,992)
4	1,775	Hewlett-Packard Development Company, L.P. (b)	(5)	(1,759)
5	1,760	Micron Technology, Inc.	(6)	(1,707)
6	1,604	Samsung Electronics Co., Ltd.	(9)	(1,313)
7	1,601	Intel Corporation	(7)	(1,592)
8	1,514	Hitachi, Ltd	(3)	(1,893)
9	1,310	Toshiba Corporation	(13)	(1,184)
10	1,305	Sony Corporation	(10)	(1,311)
11	1,296	Fujitsu Limited	(11)	(1,302)
12	1,217	Koninklijke Philips Electronics N.V.	(8)	(1,353)
13	1,025	Fuji Photo Film Co., Ltd	(17)	(804)
14	976	General Electric Company	(15)	(1,139)
15	913	Renesas Technology Corporation	(--)	(20)
16	903	Robert Bosch Gmbh	(20)	(753)
17	898	Texas Instruments, Incorporated	(18)	(764)
18	839	Seiko Epson Corporation	(18)	(764)
19	813	NEC Corporation	(14)	(1,181)
20	802	Advanced Micro Devices, Inc.	(16)	(905)
	829	U.S. GOVERNMENT		(881)

## Notes:

\* The listed patent counts are preliminary counts which are subject to correction. The final listing of patent counts for the top patenting organizations in 2004 will be available in the *Patenting By Organizations* report that should be available in early April.

(a) Displayed calendar year counts for 2003 for *Matsushita Electric Industrial Co., Ltd.* include 12 patents issued to *Matsushita Electronics Corporation*, which has been merged into the parent company.

(b) Displayed calendar year counts for 2003 for *Hewlett-Packard Development Company, L.P.* include 403 patents issued to *Hewlett-Packard Company*, 23 patents issued to *Compaq Computer Corporation Inc.*, and 41 patents issued to *Compaq Information Technologies Group, L.P.*

### Please Note:

Patent information presented reflects patent ownership at patent grant and does not include ownership changes that occur after the patent grant. Where more than one assignee (owner) exists, patents are attributed to the first-named assignee.

Unless noted, no attempt has been made to combine data based on subsidiary relationships. However, where possible, spelling variations and variations based on name changes have been merged into a single name (e.g., *ESSO* to *EXXON*). While every effort is made to accurately identify all organizational entities and to report data by a single organization name, achievement of a totally clean record is not expected, particularly in view of the many variations that occur in corporate identifications.

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*Last Modified : 09/06/2005 14:20:19*

Microsoft Press

# Computer Dictionary

Third Edition

RECYCLED  
PAPER  
PRINTED  
ON  
RECYCLED  
PAPER

*Microsoft* Press



PUBLISHED BY  
Microsoft Press  
A Division of Microsoft Corporation  
One Microsoft Way  
Redmond, Washington 98052-6399

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in any form or by any means without the written permission of the publisher.

Library of Congress Cataloging-in-Publication Data  
Microsoft Press Computer Dictionary. -- 3rd ed.

p. cm.

ISBN 1-57231-446-X

1. Computers--Dictionaries. 2. Microcomputers--Dictionaries.

I. Microsoft Press.

QA76.15.M54 1997

004'.03--dc21

97-15489

CIP

Printed and bound in the United States of America.

2 3 4 5 6 7 8 9 QMQM 2 1 0 9 8 7

Distributed to the book trade in Canada by Macmillan of Canada, a division of Canada Publishing  
Corporation.

A CIP catalogue record for this book is available from the British Library.

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designated output destination. A database filter, for example, might flag information of a certain age. **2.** In communications and electronics, hardware or software that selectively passes certain elements of a signal and eliminates or minimizes others. A filter on a communications network, for example, must be designed to transmit a certain frequency but attenuate (dampen) frequencies above it (a low-pass filter), those below it (a highpass filter), or those above and below it (a bandpass filter). **3.** A pattern or mask through which data is passed to weed out specified items. For instance, a filter used in e-mail or in retrieving newsgroup messages can allow users to filter out messages from other users. *See also* e-mail filter, mask. **4.** In computer graphics, a special effect or production effect that is applied to bitmapped images; for example, shifting pixels within an image, making elements of the image transparent, or distorting the image. Some filters are built into a graphics program, such as a paint program or an image editor. Others are separate software packages that plug into the graphics program. *See also* bitmapped graphics, image editor, paint program.

**filtering program** \fil'tər-ēng prō'gram\ *n.* A program that filters information and presents only results that match the qualifications defined in the program.

**FilterKeys** \fil'tər-kēz\ *n.* A Windows 95 accessibility control panel feature that enables users with physical disabilities to use the keyboard. With FilterKeys, the system ignores brief and repeated keystrokes that result from slow or inaccurate finger movements. *See also* accessibility. *Compare* MouseKeys, ShowSounds, SoundSentry, StickyKeys, ToggleKeys.

**Final-Form-Text DCA** \fī'nal-fōrm-tekst\ D-C-A\ *n.* A standard in Document Content Architecture (DCA) for storing documents in ready-to-print form for interchange between dissimilar programs. A related standard is Revisable-Form-Text DCA (RFTDCA). *Acronym: FFTDCA (F F-T D-C-A'). See also* DCA (definition 1). *Compare* Revisable-Form-Text DCA.

**find** \find\ *vb.* *See* search<sup>2</sup>.

**Finder** \fin'dər\ *n.* The standard interface to the Macintosh operating system, allowing the user to view the contents of directories (folders); to move,

copy, and delete files; and to launch applications. Items in the system are often represented as icons, and a mouse or similar pointing device is used to manipulate these items. The Finder was the first commercially successful graphical user interface, and it helped launch a wave of interest in icon-based systems. *See also* MultiFinder.

**finger**<sup>1</sup> \fēng'ər\ *n.* An Internet utility, originally limited to UNIX but now available on many other platforms, that enables a user to obtain information on other users who may be at other sites (if those sites permit access by finger). Given an e-mail address, finger returns the user's full name, an indication of whether or not the user is currently logged on, and any other information the user has chosen to supply as a profile. Given a first or last name, finger returns the logon names of users whose first or last names match.

**finger**<sup>2</sup> \fēng'ər\ *vb.* To obtain information on a user by means of the finger program.

**fingerprint reader** \fēng'-ər-print rē'dər\ *n.* A scanner that reads human fingerprints for comparison to a database of stored fingerprint images.

**FIPS** \fips, F'I-P-S\ *n.* *See* Federal Information Processing Standards.

**firewall** \fir'wäll\ *n.* A security system intended to protect an organization's network against external threats, such as hackers, coming from another network, such as the Internet. A firewall prevents computers in the organization's network from communicating directly with computers external to the network and vice versa. Instead, all communication is routed through a proxy server outside of the organization's network, and the proxy server decides whether it is safe to let a particular message or file pass through to the organization's network.

**firmware** \fērm'wär\ *n.* Software routines stored in read-only memory (ROM). Unlike random access memory (RAM), read-only memory stays intact even in the absence of electrical power. Startup routines and low-level input/output instructions are stored in firmware. It falls between software and hardware in terms of ease of modification. *See also* RAM, ROM.

**FIR port** \F'I-R' pōrt\ *n.* Short for fast infrared port. A wireless I/O port, most common on a portable computer, that exchanges data with an